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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,388	03/22/2001	Glenn McMillan	XANTI117240	5972

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CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER

RIOS CUEVAS, ROBERTO JOSE

ART UNIT PAPER NUMBER

2836

DATE MAILED: 07/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant(s)

09/815,388

Applicant(s)

MCMILLAN

Examiner

Roberto J Rios

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 8-13, 16-21, 23-26, 33 and 34 rejected under 35 U.S.C. 102(e) as being anticipated by Kern et al (6,181,028).

As per claim 1, Kern et al (herein after Kern) teach a method for distributing electric power, the method comprising distributing electric power from an alternate electric power source (44) to a plurality of selector sites and supplying electric power from said alternate electric power source or from a main electric power source (42) to at least one load circuit, through a signal-controlled selector (77) at at least one of said plurality of selector sites.

As per claim 2, Kern teaches distributing comprising conducting current on an electric power distribution conductor (108) in proximity to said plurality of selector sites (Figures 2, 3).

As per claim 3, Kern teaches supporting said electric power distribution conductor and said plurality of selector sites on a base (22).

As per claim 4, Kern teaches supporting a plurality of signal lines on said base to permit said plurality of signal lines to carry control signals to respective signal-controlled selectors (Figures 2, 3).

As per claim 5, Kern teaches providing at least one control signal for controlling at least one signal-controlled selector (col. 6, line 22+).

As per claim 8, Kern teaches providing overload current protection (114, 116, 118, 120, 122) to said load circuit when electric power is supplied to said at least one load circuit from said alternate electric power source (Figure 3).

As per claim 9, Kern teaches providing a plurality of overload current protection mounting sites in proximity to corresponding selector sites to provide for mounting and connection of overload protection devices in series with said alternate electric power source and respective selector sites (Figure 2).

As per claim 10, Kern teaches an apparatus for distributing electric power to a load circuit from a main electric power source and an alternate electric power source, the apparatus comprising: a base (22); an electric power distribution conductor (108) supported by said base for providing electric power from said alternate electric power source; and a load circuit selector site on said base and operable to supply power from said main electric power source and said electric power distribution conductor to a signal-controlled selector (77, 79, 92) installed at said load circuit selector site (Figures 2, 3).

As per claim 11, Kern teaches the signal-controlled selector installed at said load circuit selector site (Figures 2, 3), wherein said signal controlled selector is operable to

Art Unit: 2836

selectively connect the load circuit to said main electric power source or to said electric power distribution conductor in response to a control signal (col. 6, line 22+).

As per claim 12, Kern teaches a signal line supported by said base for carrying said control signal to said signal-controlled selector (Figures 2, 3).

As per claim 13, Kern teaches a controller (188) for providing said control signal for controlling said signal-controlled selector (col. 6, line 22+).

As per claim 16, Kern teaches at least one overload current protection mounting site on said base and associated with said load circuit selector site to provide for mounting of an overload current protection device (Figure 2).

As per claim 17, Kern teaches an overload current protection device (114, 116, 118, 120, 122) mounted at said overload current protection mounting site.

As per claim 18, Kern teaches said overload current protection device comprising a circuit breaker.

As per claim 19, Kern teaches said base supporting a plurality of overload current protection mounting sites associated with separate respective load circuits (Figure 2).

As per claim 20, Kern teaches a plurality of signal-controlled selectors (77, 79, 92), each one being installed in a respective load circuit selector site.

As per claim 21, Kern teaches a controller (188) for providing said control signal for controlling said signal-controlled selector (col. 6, line 22+).

As per claim 23, Kern teaches a plurality of overload current protection mounting sites on said base, each overload current protection mounting site being associated with

Art Unit: 2836

a respective load circuit selector site to provide for mounting of a respective overload current protection device in said each overload protection mounting site (Figure 2, 3).

As per claim 24, Kern teaches a plurality of overload protection devices (114, 116, 118, 120, 122), each one being installed in a respective overload current protection-mounting site.

As per claim 25, Kern teaches an electric power distribution system comprising: a first power distribution apparatus (78, 80, 82, 84, 86, 94, 96) for distributing power to individual load circuits from a main power source (42); and a second power distribution apparatus adjacent said first apparatus (Figures 2, 3), said second apparatus having a base (22), an electric power distribution conductor (108) supported by said base for providing electric power from an alternate electric power source and a load circuit selector site on said base and operable to supply power from said main electric power source and said electric power distribution conductor to a signal-controlled selector (77, 79, 92) installed at said load circuit selector site.

As per claim 26, Kern teaches an apparatus for distributing electric power to a load circuit from a main electric power source and an alternate power source, the apparatus comprising: a base (22); means (108) supported by said base for providing electric power from said alternate electric power source; and means (77, 79, 92) for supplying power from said main electric power source and from said means supported by said base to a device on said base for selectively supplying power from said main electric power source or from said means supported by said base to said load circuit.

As per claim 33, Kern teaches means (114, 116, 118, 120, 122) for providing

Art Unit: 2836

overload current protection to said load circuit when electric power is supplied to said load circuit from said alternate electric power source.

As per claim 34, Kern teaches means for mounting overload current protection devices on said base for protecting respective load circuits (Figures 2, 3).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 7, 14, 15, 22, 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kern.

As per claims 6, 7, 14, 15, 22, 32, Kern teaches a controller for providing said control signal for controlling said signal-controlled selector but does not specifically disclose the location of said controller. However, the Examiner takes official notice that it is well known in the power control art to position a controller either at the automatic switching arrangement location or at a remote location.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the claimed remote or local controller feature as a matter of engineering design choice for the purpose of either remotely control the power transfer switch in a space-saving environment or providing an integral transfer switch arrangement.

As per claims 27-29, Kern teaches a base for supporting several components but does not specifically disclose said base comprising a printed wiring board with traces.

Art Unit: 2836

However, the Examiner takes official notice that it is well known in the art to use a printed wiring board (PWB) or a printed circuit board (PCB) as a base.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the claimed printed wiring board arrangement as a matter of engineering design choice for the purpose of integrating all the components together and provide stability to the device.

As per claim 30, Kern teaches means for carrying control signals to said plurality of respective signal-controlled selectors (Figure 3).

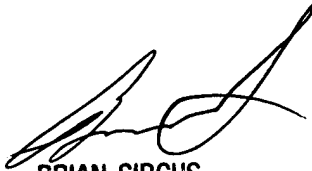
As per claim 31, Kern teaches means for providing at least one control signal for controlling at least one signal-controlled selector (Figures 3, 4).

5. Art of general nature has been cited for applicant's review.

Communication with PTO

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberto Rios whose telephone number is (703) 306-5518. In the event that Examiner Rios cannot be reached, his supervisor, Brian Sircus may be contacted at (703) 308-3119. The fax number for Before-Final communications is (703) 872-9318, for After-Final communications is (703) 872-9319, and for Customer Service is (703) 872-9317.

Roberto J. Rios
Patent Examiner



BRIAN SIRCUS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800